S.B.Cr.Misc. Bail App. No.4802/2007

(Bheema & Ors. Vs. State of Rajasthan)

Date of order : October 05, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Shambhoo Singh, for the petitioners.
Mr.Vishal Raj Mehta, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned as well as the police investigation diary.

It is contended by learned counsel for the petitioners that in FIR no specific injury has been assigned to either of the petitioners and there is no injury, which is grievous in nature caused to the injured.

Learned Public Prosecutor opposes the bail application and contends that petitioners were armed with bamboo, iron pipe and stones and caused injuries to injured Bhera. He suffered as many as five injuries, one of which is grievous in nature.

Having regard to the facts and circumstances of the case and since the matter is at the investigation stage, in my view, at this stage, it is not just and proper to release the petitioners No.1 and 2 on bail.

The bail application filed by petitioners No.1 Bheema and No.2 Laliya is, therefore, dismissed. However, they are at liberty to file a fresh bail application after completion of the investigation.

However, so far as petitioner No.3 Kaliya alias Kalu, who alleged to have been armed with stones is concerned, no specific injury has been assigned to him. In the circumstances, therefore, I consider it just and proper to enlarge the accused petitioner No.3 Kaliya alias Kalu on bail.

Accordingly, the bail application filed by petitioner No.3 Kaliya alias Kalu under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner No.3 Kaliya alias Kalu s/o Partha Meena be released on bail in FIR No.317/2007, P.S. Salumber provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-